IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6105 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

K B DAVE

Versus

STATE OF GUJARAT

Appearance:

MR PV HATHI for Petitioners No. 1-2

Ms.B.R. Gajjar, Assistant GOVERNMENT PLEADER, for Respondents No. 1-6

Mr.D.C. Raval, for MR MR ANAND for Respondents No. 7-8

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 20/12/2001

ORAL JUDGEMENT

By filing this petition, the petitioners have prayed for setting aside the combined seniority list of

joint cadre (Head Clerks / Inspecting Officers/Accountants) dated 6th October, 1987. The petitioners have also prayed for directing the 2nd respondent to give deemed date of promotion to the post of Head Clerk. Mr.Hathi for the petitioners submitted that Shri K.B. Dave, petitioner No.1, has already expired. However, his heirs are not brought on record and Mr.Hathi states that in spite of intimation, they have not come forward to give proper information. In that view of the matter, in absence of the heirs of petitioner No.1, the petition cannot be proceeded. So far as Petitioner No.1 is concerned, the issue has become academic. Mr.Hathi also states that heirs of petitioner No.1 have not given intimation to him.

Mr.Hathi further states that so far as petitioner No.2 is concerned, he has already been promoted since long and he is not giving any further information in this matter as to whether he is interested in continuing the proceedings or not for the purpose of getting deemed date of promotion to the post of Head Clerk. In that view of the matter and in view of what is stated above, at present, it is not necessary to decide the Special Civil Application, as it seems that the same has become infructuous. So far as petitioner No.1 is concerned, since he has already expired and since the heirs are not brought on record, so far as he is concerned, the petition cannot be preceded on merits. If the petitioner No.2 is still having any grievance, it will be open for him to file necessary application for reviving this matter. However, it seems that, at present, it is not necessary to adjudicate the present proceedings in view of what is stated above.

In view of what is stated above, the petition is disposed of. Rule is discharged with no order as to costs.

Liberty to apply in case of any difficulty.

20th December, 2001 (P.B. Majmudar, J.)

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(apj)